

PTO/SB/21 (08-03)

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TRANSMITTAL FORM

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		Application Number	10/682,655
		Filing Date	October 8, 2003
		First Named Inventor	Brian Yen
		Art Unit	2878
		Examiner Name	Unknown
Total Number of Pages in This Submission	N/A	Attorney Docket Number	51861.00009

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> with RCE <input type="checkbox"/> Extension of Time Request (in duplicate) <input checked="" type="checkbox"/> Return Postcard <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input checked="" type="checkbox"/> PTO Form 1449 (6 pages) (original and one copy to be initialed by the Examiner and returned to us) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Request for Status of Application <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 101 References cited (only copies of 51 non-patent literature documents are enclosed since the filing date of the application is after June 30, 2003 and copies of U.S. patents are not required).
		Remarks

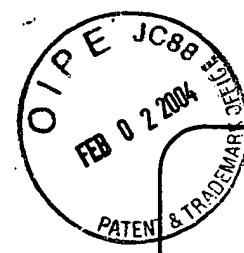
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Firm or Individual name	Aaron Wininger, Reg. No. 45,229 Squire, Sanders & Dempsey L.L.P. 600 Hansen Way Palo Alto, CA 94304-1043
Signature	
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Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **0**

Complete if Known

Application Number	10/682,655
Filing Date	October 8, 2003
First Named Inventor	Brian Yen
Examiner Name	Unknown
Art Unit	2878
Attorney Docket No.	51861.00009

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION (continued)

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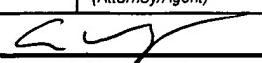
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Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet.	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive – unavoidable	
1453 1,330	2453 665	Petition to revive – unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
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1503 640	2503 320	Plant issue fee	
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1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
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1802 900	1802 900	Request for expedited examination of a design application	
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SUBMITTED BY

Name (Print/Type)	Aaron Wininger	Registration No. (Attorney/Agent)	45,229	Telephone	650.856.6500
Signature				Date	January 29, 2004

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PATENT
Attorney Docket No.: 51861.00009

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Date: 1/29/04

By: 
Aaron Wininger

In re Application of:	
Brian Yen	Examiner: Unknown
Serial No.: 10/682,655	Art Unit: 2878
Filed: October 8, 2003	
Title: APPARATUS AND METHOD FOR PATTERN DELIVERY OF RADIATION AND BIOLOGICAL CHARACTERISTIC ANALYSIS	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR §§1.97(b)

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56 and pursuant to 37 CFR §§1.97-1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the references listed on the enclosed Form PTO-1449. Pursuant to the PTO's waiver of the requirements under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent/patent application for new applications filed after June 30, 2003, we are not submitting copies of the U.S. patents cited. However, we are enclosing copies of the non-patent literature documents cited.

PATENT
Attorney Docket No.: 51861.00009

The present Information Disclosure Statement is being filed more than three months after the filing date but before receiving the first Office Action. Accordingly, no fee or certification is needed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant reserves the right to dispute any of the listed documents as prior art during examination. Furthermore, Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

If for any reason an insufficient fee has been paid, please charge the insufficiency to Deposit Account No. 05-0150.

Date: 1/24/04

Respectfully submitted,

Squire, Sanders & Dempsey L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043
Telephone (650) 856-6500
Facsimile (650) 843-8777


Aaron Wininger
Attorney for Applicant
Reg. No. 45,229



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Substitute for form 1449A/PTO				Complete if Known	
				<i>Application Number</i>	10/682,655
				<i>Filing Date</i>	October 8, 2003
				<i>First Named Inventor</i>	Brian Yen
				<i>Art Unit</i>	2878
				<i>Examiner Name</i>	Unknown
Sheet	1	of	6	<i>Attorney Docket Number</i>	51861.00009

U.S. PATENT DOCUMENTS				
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number - Kind Code ² (if known)		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 3,958,560	05-25-1976	March, Wayne Front
		US- 4,169,676	10-02-1979	Kaiser, Nils
		US- 5,028,787	07-02-1991	Rosenthal et al.
		US- 5,178,142	01-12-1993	Harjunmaa et al.
		US- 5,179,951	01-19-1993	Knudson, Mark B.
		US- 5,267,152	11-30-1993	Yang et al.
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		US- 6,120,460	09-19-2000	Abreu, Marcio Marc
		US- 6,151,522	11-21-2000	Alfano et al.
		US- 6,152,875	11-28-2000	Hakamata, Kazuo
		US- 6,161,028	12-12-2000	Braig et al.
		US- 6,167,290	12-26-2000	Yang et al.

FOREIGN PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
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PTO/SB/08a (08-03)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

2 of 6

Complete if Known	
Application Number	10/682,655
Filing Date	October 8, 2003
First Named Inventor	Brian Yen
Art Unit	2878
Examiner Name	Unknown
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U.S. PATENT DOCUMENTS

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		Number - Kind Code ² (if known)			
		US-6,172,743	01-09-2001	Kley et al.	
		US- 6,181,957	01-30-2001	Lambert et al.	
		US- 6,188,477	02-13-2001	Pu et al.	
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		US- 6,430,424	08-06-2002	Berman et al.	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

3 of 6

Complete if Known

Application Number	10/682,655
Filing Date	October 8, 2003
First Named Inventor	Brian Yen
Art Unit	2878
Examiner Name	Unknown

Attorney Docket Number 51861.00009

NON PATENT LITERATURE DOCUMENTS

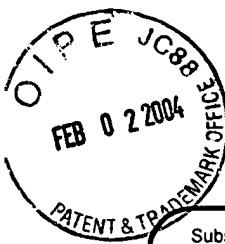
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		FREIHERR, Greg; "The Race to Develop a Painless Blood Glucose Monitor"; R&D Horizons, Medical Device & Diagnostic Industry (MDDI) archive; March 1997; 9 pages.	
		"Continuous Monitoring of Blood Glucose Levels"; Animas Corporation; Products - Glucose Sensor; 4 pages; Copyright 2000, 2001.	
		TUCHIN, Valery V.; "Coherence and Light Scattering Methods and Instruments for Medical Diagnosis"; SPIE'S Photonics West Biomedical Optics 2001 Conference; San Jose Convention Center; San Jose, CA; January 20-26, 2001; Short Course Notes SC032; 15 pages.	
		BASHKATOV, Alexey N. et al.; "Estimation of Glucose Diffusion Coefficient in Scleral Tissue"; 13 pages.	
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		WAYNANT, R. W., Ph.D. et al.; "Overview of Non-Invasive Fluid Glucose Measurement Using Optical Techniques to Maintain Glucose Control in Diabetes Mellitus"; Overview of Non-Invasive Optical Glucose Monitoring Techniques; LEOS Newsletter; April 1998; 5 pages; Vol. 12, No. 2.	
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		HARDING, Anne; "Jab-Free Blood Sugar Test Inching Closer to Reality"; Yahoo! News - Reuters Limited; August 19, 2002; 3 pages.	
		TAMADA, Janet A., Ph.D. et al.; "Noninvasive Glucose Monitoring Comprehensive Clinical Results"; JAMA; November 17, 1999; pages 1839-1844; Vol. 282, No. 19; Copyright 1999 American Medical Association.	
		HOPKINS, George W. et al.; "In-vivo NIR Diffuse-reflectance Tissue Spectroscopy of Human Subjects" HP Laboratories Palo Alto; January 1999; HPL-1999-13; Copyright Hewlett-Packard Company 1999; 10 pages.	
		HAM, Fredric M., et al. "Multivariate determination of glucose concentrations from optimally filtered frequency-warped NIR spectra of human blood serum"; Physiol, Meas. 17 (1996); pages 1-20.	
		KOHL, Matthias et al. "The influence of glucose concentration upon the transport of light in tissue-simulating phantoms"; Phys. Med. Biol. 40 (1995); pages 1267-1287.	
		GlucoWATCH - Automatic Glucose Biographer and Autosensors - PATIENT INFORMATION; Revision date March 2001; Copyright Cygnus, Inc. 2000; 6 pages.	

Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/682,655
Sheet	4	of	6	Filing Date	October 8, 2003
				First Named Inventor	Brian Yen
				Art Unit	2878
				Examiner Name	Unknown
				Attorney Docket Number	51861.00009

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
		PU, Chuan et al.; "A Surface-Micromachined Optical Self-Homodyne Polarimetric Sensor for Noninvasive Glucose Monitoring"; IEEE Photonics Technology Letters, February 2000, pages 190-192; Vo. 12, No. 2.			
		SAVAGE, Mark B. et al.; "Development of a Non-invasive Blood Glucose Monitor: Application of Artificial Neural Networks for Signal Processing"; pages 29-20; Copyright 2000 IEEE.			
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		OLESBERG, Jonathon T.; "Noninvasive blood glucose monitoring in the 2.0-2.5 μm wavelength range"; Department of Chemistry and the Optical Science and Technology Center, University of Iowa, Iowa City, IA; page 529; Copyright 2001 IEEE.			
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		HEISE, H. M. et al.; "Technology for Non-Invasive Monitoring of Glucose"; 18 th Annual International Conference of the IEEE Engineering in Medicine and Biology Society, M6 Minisymposium; Amsterdam 1996; pages 2159-2161.			
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		AMEEN, David B. et al.; "A Lattice Model for Computing the Transmissivity of the Cornea and Sclera"; Biophysical Journal; November 1998; pages 2520-2531; Vol. 75.			
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		HOERAUF, H. et al.; "First experimental and clinical results with transscleral optical coherence tomography"; Ophthalmic Surg Lasers May-June 2000; PubMed; 2 pages.			
		MYERS, J. S. et al.; "Laser energy reaching the posterior pole during transscleral cyclophotocoagulation"; Arch Ophthalmol; April 1998; PubMed; 2 pages.			

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

5

of

6

Complete if Known

Application Number	10/682,655
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First Named Inventor	Brian Yen
Art Unit	2878
Examiner Name	Unknown
Attorney Docket Number	51861.00009

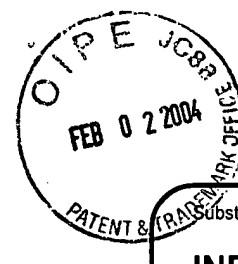
NON PATENT LITERATURE DOCUMENTS		
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
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Sheet 6 of 6

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
Sheet	6	of	6	Application Number	10/682,655
				Filing Date	October 8, 2003
				First Named Inventor	Brian Yen
				Art Unit	2878
				Examiner Name	Unknown
				Attorney Docket Number	51861.00009

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